

- 1. Prior to the Headquarters request to review Action Level Exceedances in 2016, would it be accurate to state that your regional office did not review individual ALEs? Please respond yes or no (and add any explanation you consider necessary).**

*No, there was a period in the early implementation of the rule when Region 2 was looking at individual ALEs; however, attention has shifted to other issues, due to the adoption of the LCR rule by the states and the constant addition of other drinking water rules that we need to focus on. Over the last years, Region 2 would evaluate individual ALEs when there is a subsequent violation for failure to comply with follow up actions triggered by ALEs or during inspections/sanitary surveys or program reviews.*

- a. To what extent will your regional office be able to continue to review the status of ALEs in your region, and on what basis (e.g., monthly, quarterly, annually)?**

*It depends on the definition of review. From our perspective, the only way that Region 2 can fully determine how systems are doing after an ALE is to conduct an on-site inspection at the PWS, request information from the PWS or conduct program review at State offices, to make sure all actions have been taken. We have shifted resources to meet the challenges this year, but without additional resources to devote, that level of effort is not sustainable.*

- 2. Are the water systems in your region challenged with identifying the correct Tier 1 sites for sampling? Please explain why or why not.**

*Based on information collected by Region 2 on inspections, formal information request letters and program reviews at State level, yes, we believe PWSs are more than challenged with identifying appropriate sampling sites. It seems that if there was a process on selecting sites when the rule first became effective (1991) they have no clear record of what they did back then and there is no formal process of selecting new sites.*

- 3. For which of the LCR's Public Education requirements does your office most frequently see noncompliance by water systems? Please explain.**

*Sending results to homeowners who participated in the LCR tap monitoring and providing evidence that customers notifications were completed.*

- 4. To what extent do states have sufficient capacity to review and approve the (1) water quality parameters and (2) corrosion control/treatment techniques submitted by water systems? (Please feel free to add any other comments about water quality parameters and corrosion control that you consider necessary.)**

*The states do not have sufficient capacity to implement the PWSS program in its entirety; this rule is just an example and any additional focus on the LCR will shift the attention from other rules.*

*In addition, the designation of minimum/range of water quality parameters and evaluation/approval of corrosion control treatments requires a specific level of expertise (chemical reactions in distribution system, effects of existent treatment, etc.), many states may lack a sufficient number of staff to make these evaluations. Therefore, there may not be sufficient technical capacity and expertise to fully implement this element of the rule.*

- 5. We noticed in some of the (GPRA) data on EPA's website that violations of the LCR are primarily for monitoring and reporting. What impact, if any, does a lack of or delays in the required monitoring or reporting have on your regional office's ability to oversee the rule?**

Monitoring at the correct frequency at the appropriate sampling sites is the foundation of the rule. In addition, while those are the vast majority of the reported violations, there is a significant number of other violations, such as treatment techniques, that are underreported.

In the case of the LCR, PWSs must monitor at least every 3 years and in very rare cases, every 9 years (monitoring waiver criteria). That in itself, can help EPA determine that a sample result is due, whether or not an MR violation has been reported. EPA used to have a GPRA standard (SDW-3) Lead Sample Completeness, where they would query all eligible systems to ensure they had at least 1 lead sample result in 3 year increments (i.e.: 2005-2007, 2008-2010, 2011-2013).

- 6. In SDWIS, we noticed cases where the return to compliance (RTC) date precedes the first reported date in the system. Is this a common occurrence in SDWIS? How would staff in your office interpret this information?**

Because of late reporting by states it is common to see a return to compliance (RTC) date for a violation occurring before the violation's, first reported date. We would interpret that the violation was reported late but be pleased that the state has also determined that the system has returned to compliance and reported the code for that.

**Finally, if since our meeting you have some examples of best/promising practices in the states within your region, please feel free to share those with us in your response.**

Attached is DECA's Tarrytown and Passaic Valley Water Commission LCR Reports.  
Attached is CWD's New Jersey File Review and Response.